

PROB 12C
(Rev. 8/18)

UNITED STATES DISTRICT COURT

for the
District of New Hampshire

SEALED DOCUMENT

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Yheresis Millan

Case Number: 19-CR-190-01-JL

Name of Sentencing Judicial Officer: Honorable Joseph N. Laplante

Date of Original Sentence: 07/31/2020

Original Offense: Distributing a Controlled Substance – Crack Cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)

Original Sentence: 10 months of imprisonment; 3 years of supervised release

Revocation: N/A

Type of Supervision: Supervised release

Date Supervision Commenced: 07/31/2020

Assistant U.S. Attorney: Joachim Barth, Esq.

Defense Attorney: Dorothy Graham, Esq.

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons
☐ Other:

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<p>Violation of Special Condition: <u>You must participate in a cognitive-behavioral treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). Such programs may include group sessions led by a counselor or participation in a program administered by the probation officer. You must pay for the cost of treatment to the extent you are able, as determined by the probation officer.</u> On or about January 5, 2021, and on February 2, 2021, the defendant failed to attend a scheduled cognitive-behavioral treatment session.</p>
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Evidence in support of this charge includes attendance logs from a contracted cognitive-behavioral treatment provider, which list, that the defendant failed to attend said sessions.

2	<p>Violation of Special Condition #5: <u>You must not use or possess alcohol or use alcohol to excess.</u> On or about January 18, 2021, in Nashua, NH, the defendant drank alcohol to excess.</p>
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Evidence in support of this charge includes 1) correspondence and call notes received from members of the Nashua (NH) Police Department, which reflects that the defendant was intoxicated to the degree that he entered the wrong home on January 18, 2021, and caused a police response; and 2) the defendant's admission to the probation officer on January 20, 2021, that he had drank alcohol to excess on January 17-18, 2021.

- 3 **Violation of Mandatory Condition #3:** You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court. On or about January 31, 2021, the defendant unlawfully used a controlled substance—specifically, heroin (or a derivative thereof).

Evidence in support of this charge includes the defendant's admission to the probation officer that he nasally ingested heroin (or a derivative thereof) on January 31, 2021.

- 4 **Violation of Standard Condition #5:** You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangement (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change. On or about February 4, 2021, in Nashua, NH, the defendant moved out of his reported address, 62C West Hollis Street, but he did not report where he intended to reside or was residing, nor did he contact the probation officer about any change in residence.

Evidence in support of this charge includes the probation officer's testimony about 1) a verbal statement from the defendant's roommate, Luis Pena, that the defendant had moved out of his residence, and 2) the probation officer's attempts to locate the defendant at his residence.

- 5 **Violation of Standard Condition #2:** After initially reporting to the probation office, you will received instructions from the Court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed. On or about February 5 and February 9, 2021, the defendant failed to report to the probation officer as directed.

Evidence in support of this charge includes the probation officer's testimony that the defendant failed to report to the probation officer by telephone on said dates as previously directed.

U.S. Probation Officer Recommendation:

☒ The term of supervision should be

☒ revoked.

☐ extended for years, for a total term of years.

☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted by,

/s/ Steven R. Seero

Steven R. Seero

Special Offender Specialist

603-226-7318

Date: 02/10/2021

Reviewed & Approved by:

/s/ Christopher H. Pingree

Christopher H. Pingree

Supervisory U.S. Probation Officer

603-226-7315

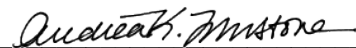
THE COURT ORDERS:

☐ No action

☒ The issuance of a warrant. Petition and issuance of the warrant to remain sealed pending arrest.

☐ The issuance of a summons.

☐ Other:



Signature of Judicial Officer

2/11/2021

Date